

Office of the Secretary of Defense

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temperature of 3 degrees Fahrenheit. The wind chill equivalent temperature is based on the average monthly temperature and wind of the coldest month for each of the past 3 consecutive years.

APPENDIX B TO PART 110—FORMULA FOR ROTC COMMUTATION RATES

Basic Course (General Military Course)

Total Pkg. Cost of Auth. Items+10% Procurement Cost=Adjusted Pkg. Cost—Amortized by: 2-Yr. Life Shoes & Socks; 2-Yr. Life Insignia; 5-Yr. Life Bal. of Pkg.
+15% Custodial Fees+\$10.00 Uniform Alteration and Maint.=Net Rate Per Yr. (Rounded to nearest \$)

Advanced Course (Professional Officers Course)

Total Pkg. Cost of Auth. Items—½ Amt. of Insignia Cost (2-yr. Amortization)+5% Custodial Fees+\$10.00 Uniform Alteration & Maint.=Net Rate 2-yr. period (Rounded to nearest \$)

Summer Camp (Field Training)

Total Pkg. Cost of Auth. Items—Amortized by 2-yr. Life (Entire pkg., except shoes and socks)+5% Custodial Fees+\$10.00 Uniform Alteration & Maint.=Net Rate 2-yr. period (Rounded to nearest \$)

APPENDIX C TO PART 110—APPLICATION OF BASIC COURSE FORMULA (MALE AND FEMALE MEMBERS) (SAMPLE)

	Zone I	Zone II
Total package cost (authorized items)	\$159.29	\$180.62
Plus 10% procurement cost	15.93	18.06
Adjusted package cost	175.22	198.68
Amortization:		
2-years socks (50% of \$1.28)64	.64
2-years shoes (50% of 14.00)	7.00	7.00
2-years insignia (50% of 15.00), if applicable	7.50	7.50
5-years balance package (20% of \$144.94, Zone I) (20% of \$168.40, Zone II)	28.99	33.68
Amortized package cost	44.13	48.82
Add:		
15% custodial fees (15% of amortized package cost)	6.62	7.32
Uniform Alteration and Maintenance	10.00	10.00
Total	16.62	17.32
Net rate	60.75	66.14
Rounded for official standard rate (per year)	61.00	66.00
Special commutation rate (per year) (three times standard rate)	183.00	198.00

APPENDIX D TO PART 110—APPLICATION OF ADVANCED COURSE FORMULA (MALE AND FEMALE MEMBERS) (SAMPLE)

	Zone I	Zone II
Total package cost (authorized items)	\$159.29	\$180.62
Less insignia amortization (50% of \$15.00), if applicable	7.50	7.50
Adjusted package cost	151.79	173.12
Add:		
5% custodial fees (5% of adjusted package cost) ...	7.59	8.66
Uniform alteration and maintenance	10.00	10.00
Total	17.59	18.66
Net Rate	169.38	191.78
Rounded official standard rate (2 years)	169.00	192.00
Special commutation rate (2 years) (three times standard rate)	507.00	576.00

APPENDIX E TO PART 110—APPLICATION OF 4-WEEK SUMMER FIELD TRAINING FORMULA (SAMPLE)

	Zone I	Zone II
Total package cost (authorized items)	\$36.56	\$48.70
Amortization Schedule:		
Total package less \$12.75 (boots and socks) (not reissued)	23.81	35.95
50% amortization (2-year life)	11.91	17.98
Boots and socks added	12.75	12.75
Amortized package cost	24.66	30.73
Add:		
5% custodial fees	1.23	1.54
Uniform alteration and maintenance	10.00	10.00
Net rate	35.89	42.27
Rounded for official rate	36.00	42.00

PART 112—INDEBTEDNESS OF MILITARY PERSONNEL

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- 112.1 Purpose.
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AUTHORITY: 5 U.S.C. 5520a(k) and 10 U.S.C. 113(d).

SOURCE: 73 FR 59502, Oct. 9, 2008, unless otherwise noted.

§ 112.1 Purpose.

This part:

- (a) Updates DoD policies and assigns responsibilities governing delinquent

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indebtedness of members of the Military Services and prescribes policy for processing involuntary allotments from the pay of military members to satisfy judgment indebtedness in accordance with 5 U.S.C. 5520a(k).

(b) Establishes responsibility for procedures implementing 5 U.S.C. 5520a(k), 15 U.S.C. 1601 note, 1601–1614, 1631–1646, 1661–1665a, 1666–1666j, and 1667–1667e (“Truth in Lending Act”), and 15 U.S.C. 1601 note, and 1692–1692o (“Fair Debt Collection Practices Act”).

§ 112.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense, the Military Departments (including the Coast Guard when it is not operating as a Service in the Navy, under agreement with the Department of Homeland Security), the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”).

(b) This part does not apply to:

(1) Indebtedness of a member of the Military Services to the Federal Government.

(2) Processing of indebtedness claims to enforce judgments against military members for alimony or child support.

(3) Claims by State or municipal governments under the processing guidelines for complaints, including tax collection actions.

§ 112.3 Definitions.

(a) *Absence.* A member’s lack of an “appearance,” at any stage of the judicial process, as evidenced by failing to physically attend court proceedings; failing to be represented at court proceedings by counsel of the member’s choosing; or failing to timely respond to pleadings, orders, or motions.

(b) *Court.* A court of competent jurisdiction within any State, territory, or possession of the United States.

(c) *Debt Collector.* An agency or agent engaged in the collection of debts described under 15 U.S.C. 1601 note and 1692–1692o (“Fair Debt Collection Practices Act”).

(d) *Exigencies of Military Duty.* A military assignment or mission-essential duty that, because of its urgency, importance, duration, location, or isolation, necessitates the absence of a member of the Military Services from appearance at a judicial proceeding or prevents the member from being able to respond to a notice of application for an involuntary allotment. Exigency of military duty is normally presumed during periods of war, national emergency, or when the member is deployed.

(e) *Judgment.* A final judgment must be a valid, enforceable order or decree, by a court from which no appeal may be taken, or from which no appeal has been taken within the time allowed, or from which an appeal has been taken and finally decided. The judgment must award a sum certain amount and specify that the amount is to be paid by an individual who, at the time of application for the involuntary allotment, is a member of the Military Services.

(f) *Just Financial Obligation.* A legal debt acknowledged by the military member in which there is no reasonable dispute as to the facts or the law; or one reduced to judgment that conforms to Sections 501–591 of title 50 Appendix, United States Code (The Servicemembers Civil Relief Act, as amended), if applicable.

(g) *Member of the Military Services.* For the purposes of this part, any member of the Regular Army, Air Force, Navy, Marine Corps, or Coast Guard, and any member of a Reserve component of the Army, Air Force, Navy, Marine Corps, or Coast Guard (including the Army National Guard of the United States and the Air National Guard of the United States) on active duty pursuant to a call or order for a period in excess of 180 days at the time an application for involuntary allotment is received by the Director, DFAS, or Commanding Officer, Coast Guard Pay and Personnel Center. The following shall not be considered members:

(1) Retired personnel, including those placed on the temporary or permanent disabled retired list; and

(2) Personnel in a prisoner of war or missing in action status, as determined